

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON LAMONT SCOTT,)	
	Petitioner)
)	2:06cv278
vs.)	Electronic Filing
)	Judge David Stewart Cercone/
WARDEN DAVID DIGUGLIELMO;)	Magistrate Judge Amy Reynolds Hay
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
	Respondents)

MEMORANDUM ORDER

The petitioner, Jason Lamont Scott, filed a Petition for Writ of Habeas Corpus in the above-captioned case. Thereafter, the Respondents filed their Answer and the pertinent state court records were received by the Court. The petitioner filed a Traverse and the matter was assigned to United States Magistrate Judge Amy Reynolds Hay. On November 3, 2006, Magistrate Judge Hay issued a Report and Recommendation that the Petition be denied as untimely and that a certificate of appealability be denied. Petitioner then filed Objections, wherein he argued that because he is "mentally retarded," having an IQ of 63, he was incapable of understanding the necessity to comply with AEDPA's statute of limitations and, therefore, he is entitled to equitable tolling. The Magistrate Judge issued a Supplemental Report and Recommendation on December 19, 2006, which reviewed and rejected Petitioner's claim for equitable tolling, and which reviewed Petitioner's claims on the merits, assuming for the sake of argument that his Petition had been timely filed. The Magistrate Judge determined that the majority of Petitioner's claims had not been exhausted and, thus, were procedurally defaulted, and those claims that had been exhausted were without merit. Petitioner was afforded the

requisite time to file Objections to the Supplemental Report and Recommendation, but he filed none.



AND NOW, this 25 day of January, 2007, upon independent review of the entire record, the Court adopts the Supplemental Report and Recommendation as the opinion of this Court, and

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED.

IT IS FURTHER ORDERED that a Certificate of Appealability is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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